IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT PETITION NO : 7007 of 2005**

Between:

Sri O. Ramakrishna, S/o. Ranga Rao,
R/o. Ashoknagar, Tiruvuru, Krishna District.

**..... PETITIONER**

AND

The Regional Manager, APSRTC, Krishna Region, Vijayawada, Krishna District.

**.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue writ or direction preferably writ of mandamus declaring the Notice issued vide No. 01/R3/437 (84)/97-R.M.(K) dt. 9.3.2005 published on 17.3.2005 and consequential notification issued vide No.01/797(3)/2005-RM(V) dt. 19.3.2005 published on 27.3.2005 in Andhra Jyothi News Paper in so far as item No. 34 ( Popcorn Stall Tiruvuru Bus Station of Krishna District) is illegal, arbitrary, contrary to record and violative of principles of natural justice and consequently direct the respondent to hand over the said stall to the petitioner as per the earlier notification dt. 2.9.1997 and pass such other or further orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

**Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR**

**Counsel for the Respondent No.: MR.R.MANMADHA REDDY (SC FOR APSRTC)**

**The Court made the following :**

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**ORAL ORDER**:

This writ petition is filed seeking a Mandamus to declare the action of the respondent in issuing Tender Notice No.01/R3/437(84)/97-R.M.(K), dated 9.3.2005 published on 17.3.2005 and consequential Notification No.01/797(3)/2005-RM(V), dated 19.3.2005, published on 27.3.2005 in Andhra Jyothi Daily insofar as item No.34 (Popcorn Stall Tiruvuru Bus Station of Krishna District) is concerned, as arbitrary and illegal.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondent and perused the material on record.

The petitioner was the successful bidder in 1997. When the respondent was about to hand over the Popcorn Stall to the petitioner, one G.Narayana, who obtained licence earlier than the petitioner, filed a suit in O.S.No.108 of 1997 on the file of the learned Senior Civil Judge, Nuzvid and obtained interim order. After the disposal of the suit, fresh tenders have been called for. The petitioner made representation, dated 15.3.2005 and issued legal notice, dated 20.3.2005. An appropriate decision has to be taken by the respondent in accordance with the rules and regulations of the respondent-Corporation.

Therefore, without entering into the merits of the case, I consider it appropriate to direct the respondent to take appropriate decision on the representation, dated 15.3.2005 and the legal notice, dated 20.3.2005 issued by the petitioner, in accordance with the rules and

regulations of the respondent-Corporation, within a period of two weeks from the date of receipt of a copy of this order.

The writ petition is disposed of in terms of the above direction. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

1st April, 2005

bcj

Note: Furnish copy by Monday

B/o

bcj

To

1 The Regional Manager, APSRTC, Krishna Region, Vijayawada, Krishna District.

2 Two C.D. copies